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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,610	07/23/2004	Tatsuya Kawakami	SIC-04-030	4357
29863 7590 07/24/2008 DELAND LAW OFFICE P.O. BOX 69 KLAMATH RIVER, CA 96050-0069				
EXAMINER JOHNSON, VICKY A				
ART UNIT		PAPER NUMBER		
3682				
MAIL DATE		DELIVERY MODE		
07/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/710,610

Applicant(s)

KAWAKAMI, TATSUYA

Examiner

Vicky A. Johnson

Art Unit

3682

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 and 70-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 and 70-93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-58 and 70-93 are rejected under 35 U.S.C. 102(b) as being anticipated by Ose (US 5,768,945).

Ose discloses a shift control device for a bicycle transmission comprising: a mounting member (11) adapted to mount the shift control device to a bicycle; a first lever (10) operatively coupled to the mounting member such that the first lever stops at a plurality of positions corresponding to gear positions of the bicycle transmission (col. 4 lines 53-65), wherein the first lever moves in a first plane (see Fig 2); a second lever (4) operatively coupled to the mounting member for movement in a second plane between a rest position and an operating position such that the second lever returns to the rest position after moving to the operating position (col. 4 lines 12-22); wherein the first plane is substantially parallel to the second plane (see Fig 2); a positioning unit (3) that rotates to a plurality of positions corresponding to gear positions of the bicycle; and a positioning member (16) that moves relative to the second lever and that is controlled by the second lever to operate the positioning unit, the first lever rotates within the first plane (see Fig 2), the second lever rotates within the second plane (see Fig 2), the positioning unit moves to the plurality of positions corresponding to gear positions of the

bicycle in response to movement of the first lever and the second lever (col. 3 lines 28-34), the positioning member maintains the positioning unit in each of the plurality of positions corresponding to gear positions of the bicycle (col. 3 line 64 – col. 4 line 11), a motion limiting member (9) that limits movement of the positioning unit in response to movement of the second lever (col. 4 lines 53-55), the first lever and the second lever are coupled to the mounting member such that the first lever and the second lever are located above the bicycle handlebar when the shift control device is mounted to the bicycle handlebar (see Fig 1).

Re claims 41, 70, and 90, a mounting member (11) adapted to mount the shift control device to a bicycle, a positioning unit (3) that rotates to a plurality of positions corresponding to gear positions of the bicycle; and a positioning member (16) that maintains the positioning unit in each to the plurality of positions (col. 3 lines 28-34), wherein the positioning member deforms or flexes (as broadly recited, everything deforms to some degree) wherein the positioning member moves along a first path between an engagement position and a disengagement position (clockwise, see Fig 2) and a second path (counterclockwise, see Fig 2) , a pawl tooth (16a) on a pawl body (16).

Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Ose reference fails to meet the limitations of the claims because it fails to disclose a first lever that automatically stops at a plurality of

stops. The Ose rejection has been changed to recite the first lever being the lever 10 and the second lever being lever 4.

The rejection of the limitations of claims 41-58 and 70-89 have not changed with respect to the Ose reference.

The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vicky A. Johnson/
Primary Examiner, Art Unit 3682